

***AGRICULTURE AND ECOLOGY  
COMMITTEE***

***Washington State House of  
Representatives***

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**FINAL 1996**

**SESSION REPORT**

**FINAL REPORT**

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DURING THE 1996 REGULAR SESSION**

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**BILLS REFERRED TO THE  
AGRICULTURE & ECOLOGY COMMITTEE  
AND PASSED BY THE LEGISLATURE (1996)**

BILL NO.	PRIME SPONSORS	SUMMARY	FINAL STATUS
ESHB 1231	Rust, Chandler, Valle	<b>Promoting the recycled content of products and buildings</b> - Adopts EPA standards for recycled content in certain products. Extends the compliance date for recycled content purchase goals by state agencies. Requires specifications in state construction projects to include the use of recycled-content products, whenever practicable. Material from state demolition projects must be recycled or reused whenever practicable. (RA)	Chapter 198, Laws of 1996
SHB 2119	Honeyford, Lisk, Morris	<b>Lowering excise taxation of preserved fruit and vegetables</b> - Lowers the B&O tax rate on manufacturing for people who can, preserve, freeze, or dehydrate fresh fruits and vegetables from 0.484% to 0.33% when these products are sold at wholesale to purchasers who transport the products outside the state. The seller must provide an annual statement as proof of sale to a person who transports the products outside the state. (BL)	Chapter 115, Laws of 1996
EHB 2132	Chandler, Chappell, Grant	<b>Rule making by the Department of Agriculture</b> - Grants the Department of Agriculture specific authority to adopt rules pertaining to (1) farm storage tanks and bulk milk containers, (2) the designation of certain crops to be nonfood and/or nonfeed sites of pesticide application, and (3) the issuance of permits allowing the import and movement of certain pet animals. Requires the department to adopt either grades or classifications for American ginseng and permits the director to require dealers who purchase ginseng for export to register. Exempts from public disclosure certain production and sales information provided by American ginseng dealers to the department. (BL)	Chapter 188, Laws of 1996
EHB 2133	Chandler, Chappell, Mastin	<b>Disclosing agriculture business records</b> - Exempts from public disclosure the private financial and production information of agricultural producers and the financial information and trade partners of those who market agricultural products. (KH)	Chapter 80, Laws of 1996
HB 2134	Robertson, Chappell, Koster	<b>Degrading certain dairy licenses</b> - No longer requires that a dairy or milk plant license be immediately degraded or summarily suspended following a repeat of an inspection violation under the fluid milk laws. (KH)	Chapter 189, Laws of 1996
HB 2136	Chandler, Chappell, Horn	<b>Authorizing freshwater aquatic weeds account moneys to be used for hydrilla eradication</b> - Broadens the authority to appropriate funds from the freshwater aquatic weeds account to the Department of Ecology to fund hydrilla eradication activities in waters of the state. (BL)	Chapter 190, Laws of 1996
HB 2137	Chandler, Chappell, Horn	<b>Requiring biennial progress reports from the Department of Ecology</b> - The reporting frequency for the reports on Referendum 39 funds, wastewater discharge permit fees, and the water pollution control revolving funds are each changed from a one-year to a two-year cycle. The department's report on the Water Quality Account is to be submitted to the Legislature by December 31 of each odd-numbered year. (RA)	Chapter 37, Laws of 1996
SHB 2338	Schoesler, Grant, Sheahan	<b>Anhydrous ammonia</b> - Prohibits the Department of Ecology from regulating ammonia emissions from ammonia based fertilizers when those emissions result from certain non-manufacturing activities, such as transportation, storage, and agricultural application. (RA) (Note: The Governor vetoed the intent section of the bill.)	Partial Veto. Chapter 204, Laws of 1996

BILL NO.	PRIME SPONSORS	SUMMARY	FINAL STATUS
SHB 2376	Chandler, Koster, Johnson	<b>Recovering gasoline vapors -</b> Establishes by statute the conditions under which stage II recovery devices can be required by the Department of Ecology at gasoline service stations. (RA)	Chapter 294, Laws of 1996
ESHB 2537	Honeyford, Chandler, Mastin	<b>The creation and operation of irrigation district joint control boards -</b> Alters the policies and procedures governing the formation and operation of an irrigation board of joint control. Allows such a board to be created for two or more irrigation entities having the same source of water or common water works. Such an entity must be an irrigation district or an operating entity for a division within a federal reclamation project. Requires a petition for its formation or modification to be filed with the county commission. Requires a publication of notice regarding the petition and a hearing on it. If the county commissioners approve the petition, they appoint the first members of the board of joint control based upon the composition of the board proposed in the petition. <u>Administration.</u> Authorizes such a board to administer: the construction, operation, maintenance, betterments, and regulations of joint use facilities; and activities that promote more effective and efficient water management for the benefit of its members. Encourages such a board to pursue conservation and system efficiency improvements and authorizes it, after July 1, 1997, to redistribute the saved water within the jurisdiction, or transfer the water to others under current law. Requires a board of joint control using waters of the Yakima River to coordinate its conservation projects with programs adopted under the federal Yakima Basin Water Enhancement Project as funds are available. Establishes requirements for the preparation of a budget. Although each irrigation entity must include in its levy for the ensuing year the amount apportioned to it in the budget, the authority of a board of joint control is repealed that currently allows it to make a levy in any irrigation district that fails to include in the district's levy the charge adopted by the board. Authorizes joint boards to receive state grants and loans for water supply facilities. <u>Restrictions.</u> Prohibits such a board: from approving a change in a water right unless it can be made without injury to existing water rights; from abridging existing rights within its area of jurisdiction; and from injuring, through transfers of saved water, existing instream flow water rights outside its jurisdiction. Requires federal approval of certain changes in water rights within a federal reclamation project. (BL)	Chapter 320, Laws of 1996

BILL NO.	PRIME SPONSORS	SUMMARY	FINAL STATUS
HB 2538	Clements, Chandler, Mastin	<p><b>Clarifying the authority of irrigation districts -</b> Permits the board of directors of an irrigation district that lies entirely within one county to designate a person other than the county treasurer to act as treasurer of the district if the district had assessments, tolls, and collections in each of two of the preceding three years equal to at least \$2 million. Requires the board to provide a surety bond for such a treasurer.</p> <p>Permits an irrigation district to enter into a mutual aid agreement with another irrigation district pursuant to the Interlocal Cooperation Act. The agreement may provide for emergency interdistrict assistance to respond to a failure of an irrigation water conveyance system when the required response exceeds the existing resources available to the district requesting assistance. Assistance without employee compensation is permitted. The employees of the district providing the assistance have the same powers and immunities as if they were performing their duties in the employing district. The irrigation district being assisted is liable for any loss or damage to equipment and must pay any ordinary expenses incurred in its operation. No claim may be made unless an itemized notice is served upon the district where the equipment was used within 60 days after the loss, damage, or expense.</p> <p>Authorizes the Association of Irrigation Districts to: enter into contracts with private or public entities; advance funds to promote the development and utilization of agricultural water and power resources and employ technical and professional assistance regarding that promotion; and provide and present information to federal officials as an aid in securing needed legislation, contracts, and appropriations. (BL)</p>	Chapter 214, Laws of 1996
ESHB 2703	Clements, Chappell, Chandler	<p><b>Coordinating authorities of the Department of Labor and Industries and Department of Agriculture to prescribe or enforce occupational safety and health standards regarding pesticides -</b> Requires the Department of Labor and Industries and the Department of Agriculture to adopt, in a coordinated manner, safety standards that are at least as effective as the Environmental Protection Agency's (EPA's) worker protection standard for agricultural workers and handlers of agricultural pesticides. The state standards cannot make compliance with EPA's standard impossible. Requires the two departments to conduct joint investigations of violations of these standards if feasible (except regarding industrial insurance). Prohibits them from issuing duplicate citations for a violation. Requires the differences in their jurisdictions and penalty structures to be published. The two departments are to establish jointly by December 1996 a formal agreement that identifies the roles of each in conducting investigations of activities governed by the EPA's standard. Requires an implementation report to be submitted to the Legislature by December 1996.</p> <p>Repeals posting and reentry interval requirements set by statute regarding pesticides applied to a labor-intensive agricultural crop. (KH)</p>	Chapter 260, Laws of 1996
HB 2716	Chandler, Chappell	<p><b>Concerning waste discharge permits.</b> Creates a statutory exemption from SEPA for the issuance, reissuance, or modification of a waste discharge permit that contains conditions no less stringent than federal effluent limitations and state rules. The exemption applies to existing discharges only. (RA)</p>	Chapter 322, Laws of 1996

BILL NO.	PRIME SPONSORS	SUMMARY	FINAL STATUS
SHB 2733	Johnson, Sheldon, Koster	<b>Delegating portions of well drilling administration and enforcement to local governments</b> - Postpones by 4 years (to the year 2000) the expiration of specific authority granted to DOE to delegate portions of its well construction program to qualified health districts and counties. Clarifies the authorities available to local agencies in administering the delegated parts of the program. (KH)	Chapter 12, Laws of 1996
SHB 2772	Kessler, Buck	<b>Dock construction and the Shoreline Management Act (SMA)</b> - Changes the exemption from the definition of a substantial development provided for a recreational dock and, therefore, the exemption from substantial development permit requirements for such a dock under the SMA. If the dock is in salt waters, the exemption applies if the fair market value of the dock does not exceed \$2,500. If it is in fresh waters, the exemption applies if the fair market value of the dock does not exceed \$10,000; however, the exemption does not apply to a subsequent construction occurring within five years that has a fair market value exceeding \$2,500. (KH)	Chapter 265, Laws of 1996
SHB 2778	Mastin, Chappell, Chandler	<b>Providing sales and use tax exemptions for farmworker housing</b> - Exempts materials used in, and labor performed on, farmworker housing from the sales tax. The exemption applies to both seasonal and year-round housing, but the exemption is granted for year-round housing only if it is built in accordance with the State Building Code. The housing must be used to house agricultural employees for at least 5 years. (BL)	Chapter 117, Laws of 1996
ESHB 2875	Chandler	<b>Changing water quality provisions</b> - Creates the Puget Sound Action Team to develop and implement a biennial work plan and budget based on the management plan developed by the Puget Sound Water Quality Authority. Creates an advisory committee, the Puget Sound Council, to make recommendations to the chair of the Action Team and to review plan implementation. Establishes a monitoring and research program. Transfers specified authorities and duties of the Puget Sound Water Quality Authority to the Action Team. Repeals sections of the Puget Sound Water Quality Authority laws not already repealed under Sunset Act provisions. Appropriates \$1 million dollars to be used as grants to fix failing septic tank systems. (The supplemental budget appropriates \$1.6 million dollars to meet administrative needs and to hire staff to assist the Action Team in developing the workplan.) (RA)	Chapter 138, Laws of 1996
HJM 4017	Thompson, Fuhrman, Stevens	<b>Requesting Congress to control or eradicate nonnative noxious weeds</b> - Requests Congress to direct federal agencies managing or controlling property to comply with all laws and rules regarding the control of nonnative noxious weeds in this state. (KH)	Filed Sec State
HCR 4424 <sup>1</sup>	Delvin, Chandler, Robertson	<b>Establishing a legislative joint committee on water resources</b> - Creates a joint select committee on water resources, made up of four members of the House and four members of the Senate, to review subjects related to transfers of water rights and requires the committee to report its recommendations to the Legislature by December 31, 1996. (KH)	Filed Sec State

<sup>1</sup>This resolution was not referred to a House Committee prior to passage.

BILL NO.	PRIME SPONSORS	SUMMARY	FINAL STATUS
SSB 6197	Swecker	<b>Augmenting water supply</b> - Requires the Department of Ecology, when it is evaluating an application for surface or ground water, to take into consideration the benefits of any water impoundment that is included as a component of the application. (JG)	Chapter 306, Laws of 1996
SSB 6214	Snyder, Newhouse, Rasmussen	<b>Defining a temporary growing structure</b> - Exempts "temporary growing structures" from the State Building Code Act if they are used solely for the commercial production of horticultural plants, are covered on the sides and roof with polyethylene, polyvinyl, or similar flexible synthetic material, and are used to provide plants with either frost protection or increased heat retention. (KH)	Chapter 157, Laws of 1996
SSB 6236	Swecker	<b>Establishing shoreline management project completion timelines</b> - Establishes by statute deadlines for implementing permits issued under the Shoreline Management Act. These deadlines may be changed by local governments for specific permits based on the circumstances of the proposed project. Requires construction activities to be commenced within two years and completed within five years of the effective date of the substantial development permit. Single one-year extensions may be granted by the local government, based upon reasonable factors, if the request is made prior to the expiration date and notice of the extension is given to parties of record and the Department of Ecology. Sets the effective date of the substantial development permit as the date of the last permit action required on the development, including all administrative and legal actions on any government approvals. (BL)	Chapter 62, Laws of 1996
SSB 6263	Morton, Rasmussen, A. Anderson	<b>Using equine and oxen</b> - Exempts from the cruelty-to-animal laws the normal and usual use of horses and oxen for logging, riding, showing, vaulting, driving, or drafting purposes. (KH)	Vetoed by the Governor
SSB 6279	Rasmussen, Newhouse, Bauer	<b>Providing for the taxation of fermented apple and pear cider</b> - Changes the tax on cider that contains alcohol. Instead of being taxed like table wine, it will now be taxed like beer. The "cider" taxed in this manner is not more than 7% alcohol by volume and is made from the normal alcoholic fermentation of the juice of apples or pears. (KH)	Chapter 118, Laws of 1996
SSB 6466	Spanel, Swecker, Sutherland	<b>Allowing construction that has a minor impact on air quality to proceed without a notice of construction or review approval from the Department of Ecology (DOE)</b> - Creates an exemption from notice of construction and review requirements for de minimis new sources. The DOE must adopt rules identifying categories of these sources. (JG)	Chapter 67, Laws of 1996
SB 6467	Spanel, Swecker, Sutherland	<b>Concerning the collection of pollution program fees</b> - Requires all new source review fees and RACT (Reasonably Available Control Technology) determination fees collected by the Department of Ecology to be deposited into the air pollution control account. (RA)	Chapter 29, Laws of 1996
ESSB 6666	Winsley, Haugen, Fairley	<b>Providing for a long-term solution to nuisance aquatic weeds</b> - Directs the Department of Ecology to expedite the issuance of permits allowing the use of specified aquatic herbicides in certain lakes until April 1, 1998. Establishes a legislative committee to develop a state lake health plan by January 1, 1998. (RA)	Chapter 316, Laws of 1996



BILL NO.	PRIME SPONSORS	SUMMARY	FINAL STATUS
SSB 6692	Rasmussen, Morton, Hargrove	<b>Providing for state and federal cooperation for weed control on federal land</b> - Authorizes state and local entities to enter federal lands to survey for and control noxious weeds. These entities are not to be held liable for these actions, and may bill federal agencies for the work. (JG)	Vetoed by the Governor
SSB 6694	Morton, A. Anderson, Rasmussen	<b>Microchipping equine</b> - Identifies by statute a location for placing a microchip used to identify an individual horse. This location can be changed by the Director of Agriculture by rule. Allows the Department of Agriculture to conduct an investigation if scars or marks indicate that a microchip has been removed from a horse. Declares a person to be guilty of a gross misdemeanor if the person causes a microchip implanted in a horse to be removed, or causes the removed chip to be implanted in another horse, with the intent to defraud a subsequent purchaser. Allows implantation locations in other livestock to be specified by rule when requested. (KH)	Chapter 105, Laws of 1996

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**BILLS REPORTED FROM THE  
AGRICULTURE & ECOLOGY COMMITTEE  
BUT NOT ENACTED (1996)**

BILL NO.	PRIME SPONSORS	SUMMARY	FINAL STATUS
2SHB 1774	Chandler, Mastin, Basich	<b>Altering appeal procedures for water-related actions of the Department of Ecology.</b> Makes appeals of certain water-related actions by DOE appealable to the Pollution Control Hearings Board (PCHB) or directly to the superior court of the county directly and immediately affected by the decision. A decision by the PCHB may be appealed to the superior court in the county that will be directly and immediately affected by the decision. Any appeal made directly to superior court is de novo. Requires any appeal pertaining to the relinquishment of a water right to be made directly to superior court. Water-related actions include: decisions pertaining to a right to the beneficial use of water, the enforcement of the conditions of a right to the beneficial use of water, and the establishment of a minimum flow of water or the reservation of water for such a minimum flow. (BL)	H Rules 3C The bill reached S Ecology & Parks before the end of the 1996 Regular Session.
SHB 2135	Chandler, Chappell, Horn	<b>Revising provisions for solid waste permits.</b> Authorizes a local health jurisdiction to issue a permit for solid waste handling facilities for a period of one to five years. The decision on the duration of the permit will be made by the local health jurisdiction issuing the permit. (RA)	H Rules 3C The bill reached S Ecology & Parks before the end of the 1996 Regular Session. It is similar to SB 6098.
2SHB 2198	Mastin, Chandler, Schoesler	<b>Reopening the water rights claim filing period.</b> Establishes a new period for filing historical water right claims with the Department of Ecology (DOE). The new filing period is September 1, 1996, to June 30, 1997. The filing period does <u>not</u> apply to rights for exempt wells, claims already in the state registry, or in areas that are the subject of a general adjudication proceeding for water rights. The water right for a claim filed during this period is subordinate to a right embodied in a water right permit or certificate issued before the claim is filed and subordinate to the rights for claims filed in previous filing periods. Allows amendments to claims already in the water claims registry to be submitted during this new filing period to correct any errors in previously filed claims. Prohibits, from March 1, 1994, to June 30, 1997, both DOE and the Pollution Control Hearings Board from finding that relinquishment of a right has occurred for a failure to file a claim. (KH)	H Rules 3C The bill reached S Ecology & Parks before the end of the 1996 Regular Session. It is similar to SHB 1327.
SHB 2199	Chandler, Mastin, Schoesler	<b>Granting water rights to certain persons who were water users before January 1, 1993.</b> Grants a water right to a person who used water for irrigation or stock watering purposes before January 1, 1993, without a state issued water right permit. Grants the water right if the person: files a statement of claim during the new filing period set by 2SHB 2198; and submits certain evidence that the water was used beneficially before January 1, 1993. The priority date of the right is the date the claim is filed. This bill does not apply in an area that is the subject of a general adjudication proceeding for water rights. (KH)	H Rules 3C The bill was in dispute between the House and the Senate at the end of the 1996 Regular Session. It is similar to HB 2039.

BILL NO.	PRIME SPONSORS	SUMMARY	FINAL STATUS
2SHB 2200	Chandler, Mastin, Lisk	<p><b>Authorizing local watershed planning and modifying water resource management.</b> <u>Watershed Plans.</u> Establishes a procedure under which counties may elect to initiate local watershed planning. Requires state funding for such planning to be provided on a first come, first-served basis. The members of the planning unit authorized to develop such a plan are appointed by units of local government located in the watershed or an existing group is designated as the planning unit by the counties in the watershed. If the resulting plan is adopted by the counties in the watershed, the locally approved plan must also be adopted by the state. Requires local planning units to consider water storage development and allows them to request DOE to initiate general adjudication proceedings regarding water rights. <u>Instream Flows.</u> Instream flows developed as part of such local watershed plans replace those set by DOE. <u>Permit Processing Deadlines.</u> The deadline for processing a water right permit application for water in a watershed for which a watershed plan has been adopted is 180 days from the date a properly completed application is filed with DOE; the deadline for processing an application for water in a watershed for which a watershed plan has not been adopted is one year. (These deadlines do not include the time needed to supply information in response to one request by DOE for additional information.) However, if an EIS must be developed for the application, the deadline is 90 days after the EIS is available. <u>Interties.</u> Allows interties between water systems to be used for the acquisition of new sources of water supply to meet future demand. <u>General Permits.</u> Requires DOE to develop by January 1997 a general permit system for non-bypass uses of water not exceeding 5,000 gallons per day. (KH)</p>	<p>H Rules 3C The bill, as amended by S Ecology and Parks, reached S Rules 2 before the end of the 1996 Regular Session. It is similar to portions of ESHB 1791.</p>
SHB 2201	Chandler, Mastin, Mulliken	<p><b>Authorizing a change in the use of water made surplus by certain activities and modifying transfer provisions.</b> <u>Water Made Surplus.</u> Declares that the use of irrigation district-supplied water made surplus through the implementation of efficiency measures is regulated solely by the irrigation district, for the benefit of the district generally. Allows a person who holds a right to water other than district-supplied water to use water made surplus to the right through efficiency measures or through crop changes if the use is on other lands owned by the person that are contiguous to the lands upon which use of the water was authorized before this change. Notifications made to DOE regarding such changes provide a change in the person's or district's right and may provide a change in a federal reclamation project's right within the limits set by the United States for the project. The priority date for the right to use such surplus water is the same as the priority date of the original water right. These provisions regarding surplus water apply only to changing the use of agricultural water to other or expanded agricultural uses. <u>Transfers.</u> Prohibits DOE from initiating relinquishment proceedings regarding a water right for which an application for a transfer or change is filed for two years after making a decision on the application. Certain statutory requirements for applications for new water rights do not apply to transfers or changes. Establishes conditions for the approval of water transfers by irrigation districts. (KH)</p>	<p>H Rules 3C The bill reached S Ecology &amp; Parks before the end of the 1996 Regular Session. It is similar to portions of ESHB 1775.</p>

BILL NO.	PRIME SPONSORS	SUMMARY	FINAL STATUS
EHB 2202	Chandler, Mastin, Honeyford	<b>Establishing procedures by which owners of single-family residences may use lake water for noncommercial landscape irrigation.</b> Establishes a process in which the Department of Ecology must determine whether or not there is enough water in Lake Washington to allow lake water to be used for watering lawns and noncommercial gardens. If the Department determines there is enough water, single family residents living adjacent to the lake can use Lake Washington water for lawn and garden watering without obtaining a water right. (RA)	H Rules 3C The bill reached S Ecology & Parks before the end of the 1996 Regular Session. It is similar to EHB 1729.
HB 2203	Mastin, Chandler, Honeyford	<b>Establishing criteria to determine hydraulic continuity.</b> Declares that all wells located less than ¼ mile from a surface water source that produce water from an unconfined aquifer are to be assumed to be hydraulically continuous to the surface water. The burden is on an applicant or other person to demonstrate otherwise. For water from a confined aquifer, the burden of proof is on DOE to demonstrate that the aquifer is hydraulically continuous with surface water. The continuity must be demonstrable in field tests or through similar sources of information. Establishes criteria for determining whether a well using water that is hydraulically continuous with a surface water source is to be assumed to have the potential of causing substantial interference with the surface water source. (KH)	H Rules 3C The bill reached S Ecology & Parks before the end of the 1996 Regular Session. It is similar to a portion of ESHB 1791.
SHB 2248	Hymes, Sehlin, Koster	<b>Changing provisions relating to sewage disposal.</b> Requires a local health officer or a city or county to respond within 30 days after receiving a completed application for installing an on-site sewage system. Any denial must be in writing and be accompanied with the reasons for the denial and an explanation of the appeal process. If a response will take more than 30 days, an explanation for the delay and an estimate of when a decision will be made must be provided to the applicant. This same process is used if a local health officer or a city or county limits the number of alternative systems within the jurisdiction. The Department of Health (DOH) must update the state guidelines for alternative on-site sewage systems at least every 3 years. DOH must add a member to the technical review committee who is familiar with alternative technology. A sewer district may be created when there are no residents in a new development, with the approval of the county legislative authority. (BL)	H Rules 3C The bill reached the S Second Reading Calendar before the end of the 1996 Regular Session.
ESHB 2261	Thompson, Chandler, McMorris	<b>Extending the dates related to safety standards for agriculture.</b> Extends to February 15, 1997, the period during which, under current law, certain new rules adopted under WISHA amending or establishing agricultural safety standards are prohibited from taking effect and postpones the effective date of rules that were to take effect this year until after February 15, 1997. Exempts certain rules from these restrictions. Also postpones the deadline by which a single volume of agricultural safety rules must be made available to all agricultural employers until February 15, 1997. Prohibits a penalty from being levied for an employer's first citation for a violation of a requirement for rollover protective structures for tractors built on or before October 25, 1976, if compliance is achieved within 90 days of the citation. (KH)	H Rules 3C The bill reached S Labor, Commerce & Trade before the end of the 1996 Regular Session.

BILL NO.	PRIME SPONSORS	SUMMARY	FINAL STATUS
SHB 2314	Brumsickle, Chappell, Wolfe	<b>Establishing the City of Yelm wastewater reuse state demonstrated project.</b> Appropriates \$7 million dollars to assist the city of Yelm in funding a wastewater facility capable of treating wastewater to a level that it can be fully reused. \$75,000 of the appropriation is for the Department of Health to complete standards for discharging reclaimed water into wetlands and into recharge areas. A report is required at the completion of the project. (RA)	H Capitol Budget
HB 2375	Chandler, Koster, Mastin	<b>Prohibiting a moratorium on new appropriations of Columbia or Snake river waters based on certain contingencies.</b> Prohibits DOE from withdrawing from further appropriation Columbia or Snake River waters based upon uncertainty as to whether sufficient water would be available, following new appropriations, to satisfy the needs of any unquantified or speculative future instream uses of the waters of the rivers. Declares two rules adopted by DOE establishing a moratorium on such new appropriations to be void. (KH)	H Rules 3C The bill reached S Ecology & Parks before the end of the 1996 Regular Session.
SHB 2377	Chandler, Chappell, Koster	<b>Promoting compliance with environmental laws.</b> Allows, under certain conditions, for analyses and recommendations made after the discovery of a violation of an environmental law to be excluded as evidence in a civil or an administrative proceeding, and for the entity to be immune from civil and administrative penalties. The entity must report any violations promptly, must begin compliance within 60 days, cannot attempt to conceal the violation, and the violation cannot result in serious harm to human health or the environment. The violation also cannot be a violation of a permit; settlement agreement; notice of correction, order, or decree; or be part of a pattern of violations.	H Rules 3C The bill reached S Ecology & Parks before the end of the 1996 Regular Session.
SHB 2378	Chandler, Mastin, Schoesler	<b>Revising regulations concerning reclaimed water.</b> Expands the authorized uses of reclaimed water. Allows such water to be used for surface percolation if it does not meet ground water recharge criteria if the percolation is specifically authorized by DOE in consultation with the Department of Health. Also allows reclaimed water to be discharged into man-made wetlands if the reclaimed water meets class A or B reclaimed water standards; if it does not meet these standards, it may still be so discharged if specifically authorized by DOE in consultation with the Department of Health. Requires the departments of Ecology and Health to report by December 1996 on progress in implementing the reclaimed water laws. (BL)	H Rules 3C The bill reached S Rules 2 before the end of the 1996 Regular Session.

BILL NO.	PRIME SPONSORS	SUMMARY	FINAL STATUS
2SHB 2379	Chandler,	<p><b>Allowing a property tax credit as an incentive for the improvement of streams, rivers, and riparian areas.</b> Provides a property tax credit against taxes on certain categories of land for actions taken to improve streams, rivers, and riparian areas. If the owner of such land requests the development of an improvement plan, requires a conservation district to determine that improvements are necessary to improve habitat and to prepare, jointly with the Department of Fish and Wildlife, a plan detailing the improvements to be made. The improvements must be those that would be required to be made by a governmental agency, as resources are available, if the owner does not make them. When the improvements are completed, requires the conservation district to inspect them for compliance with the plan, and if approved, requires that the owner be provided with a tax credit voucher in the amount spent on the improvements. Requires the voucher to be treated as a monetary payment of property taxes for the state's portion of the property taxes imposed on the parcel of land (excluding buildings or improvements). The credit is for taxes collected each of the two years immediately following the year in which the improvements are completed. Prohibits the total amount of the credits from exceeding \$6 million for the 1995-97 biennium, \$12 million for fiscal year 1998, and \$12 million for fiscal year 1999.</p> <p>Waives state and local permits for the development or implementation of such an improvement plan. Waives landowner liability for maintaining the improvements and from any consequences arising from making the improvements. Terminates the program on June 30, 1999. (NOTE: Amendments by H Finance added habitat restoration projects to those that may made for tax credit under this program.) (KH)</p>	H Rules R
HB 2424	Chandler, Chappell, Mastin	<p><b>Providing for the taxation of fermented apple cider.</b> Changes the tax on cider that contains alcohol. Instead of being taxed like table wine, it will now be taxed like beer. The "cider" taxed in this manner is not more than 7% alcohol by volume and is made from the normal alcoholic fermentation of the juice of apples. (KH)</p>	H Rules 3C The bill reached S Ways & Means before the end of the 1996 Regular Session. It is similar to SSB 6279 which was enacted as C 118, L 96.
SHB 2449	Delvin, Foreman, Chandler	<p><b>Providing a study of water transfers.</b> Creates a joint select committee consisting of 4 Senators and 4 Representatives to examine water transfers. The committee is directed to look at incentives to encourage transfers, to protect the rights of other water rights holders, and to examine the impacts upon communities. The committee must report its recommendations in the form of proposed legislation by December 31, 1996. (BL)</p>	H Rules 3C The bill reached the S Second Reading Calendar before the end of the 1996 Regular Session. It is similar to HCR 4424 which was filed with the Sec of State.
SHB 2505	Mastin, Schoesler, Chandler	<p><b>Lowering the business and occupation tax on the handling of hay, alfalfa, or seed.</b> Lowers the B&amp;O tax rate for people who sell at wholesale seed conditioned for use in planting from 0.484% to 0.011%. This is the same rate as people who sell wheat, oats, dry peas, etc. at wholesale. The bailing and cubing of hay or alfalfa for use as feed stock is also exempted from the B&amp;O tax. The bailing and cubing of hay or alfalfa is currently exempted only if a farmer does this on the farmer's own property. (BL)</p>	H Rules 3C The bill reached S Agriculture, Agr Trade & Development before the end of the 1996 Regular Session.



BILL NO.	PRIME SPONSORS	SUMMARY	FINAL STATUS
HB 2700	Mastin, Chandler, Honeyford	<b>Revising provisions relating to water rights.</b> Declares that a statement of claim for a water right in the state registry and the provisions of a water right certificate are each prima facie evidence of all aspects of the water right in any proceeding involving the water right; the burden of proof in demonstrating that any aspect of the right is invalid is on the party challenging its validity. If a water right applies to the use of only naturally occurring water and a party claims that any part of the water used is artificially stored water, the party making the assertion has the burden of proving the assertion (and conversely). Automatically appeals all DOE orders regarding relinquishment of water rights to the Pollution Control Hearings Board. (KH)	H Rules R
SHB 2701	Mastin, Chandler, Honeyford	<b>Adjudicating water rights.</b> Except for a person currently acting as a referee for the superior court, prohibits a person appointed by the court as a referee in a general adjudication proceeding for water rights from being an employee of DOE or an employee of any other party to the proceeding. Prohibits a referee from having been such an employee within three years prior to the beginning of the proceeding. (KH)	H Rules 3C The bill reached S Rules 2 before the end of the 1996 Regular Session.
ESHB 2723	Chandler, Chappell	<b>Regulating agricultural activities.</b> Provides guidance in determining when operations related to agricultural products are to be regulated under the Washington Industrial Safety and Health Act as agricultural operations under agricultural safety standards, and when they are to be regulated as other activities. The "agriculture" regulated under the agricultural standard is farming in all its branches and includes the cultivation and tillage of the soil and dairying; the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity or private sector aquatic product; the raising of livestock, bees, fur-bearing animals, or poultry; and practices performed by a farmer or on a farm in conjunction with such farming operations, including preparation for market and delivery to storage, market, or carriers. For this purpose, "agriculture" does not include forestry or lumbering operations. (KH)	H Rules 3C The bill reached S Labor, Commerce & Trade before the end of the 1996 Regular Session.
SHB 2765	Chappell, Chandler	<b>Excluding animal health products from the definition of retail sale, thereby changing the tax rate for such activities.</b> Exempts from retail sales and use taxation vaccinations, antibiotics, worming compounds, and similar health products for animals sold to farmers for the purpose of producing an agricultural product for sale at wholesale or retail. (KH)	H Finance
HB 2834	Carrell, Chandler, Hatfield	<b>Proposing a Washington State lake health plan.</b> Authorizes the use of an aquatic herbicide in a lake if the aquatic herbicide or algicide is used in conformance with its federal label requirements and is applied by a licensed applicator. The Department of Ecology is directed to develop a general, long-term plan to maintain lake health using existing agency personnel and resources. A legislative committee is created to develop a Washington State lake health plan. The committee is to consist of the chair and ranking minority member of six specified House and Senate committees. The report is due by December 1, 1997. (RA)	H Rules 3C The bill reached S Rules 2 G before the end of the 1996 Regular Session. It is similar to ESSB 6666 which was enacted as C 316, L 96.
2SHB 2874	Chandler	<b>Changing administration of the wastewater discharge permit program.</b> Directs the Department of Ecology to make a number of specified changes to the way it administers its wastewater discharge permit program. Appropriates \$110,000 to hire a consultant to develop fees for the 1997-1999 biennium based on a workload model. (RA)	H Rules R

BILL NO.	PRIME SPONSORS	SUMMARY	FINAL STATUS
SHB 2877	Koster, Chappell, McMorris	<b>Requiring integrated pest management.</b> Requires the following to implement, within one year, integrated pest management practices when carrying out duties related to pest control: the departments of Agriculture, Ecology, Fish and Wildlife, Transportation, Natural Resources, Corrections, and General Administration; the Parks and Recreation Commission; the State Noxious Weed Control Board; and each state institution of higher education (for the institution's own building and grounds maintenance). Creates an Interagency Integrated Pest Management Coordinating Committee composed of the integrated pest management coordinators of these agencies and institutions. Requires the committee to advise the state agencies and institutions and to facilitate coordination of the integrated pest management program of each. Requires biennial reports to the Legislature regarding the integrated pest management programs. (KH)	H Appropriation
SHJM 4034	Mulliken, Chandler, Koster	<b>Requesting a change of boundaries at Hanford.</b> Requests that the area north of the Columbia River under the custody of the Department of Energy be returned to the counties of Grant, Franklin, and Adams to be used for agricultural, wildlife, and recreational purposes. (RA)	H Rules 3C The bill reached S Energy, Telecom. & Utilities before the end of the 1996 Regular Session.
HJM 4035	Hickel, Mitchell	<b>Requesting that the Department of Energy remove the Port of Tacoma from the list of proposed sites for shipping nuclear fuel.</b> Requests that the Department of Energy remove the Port of Tacoma from the list of proposed sites for the receipt and handling of foreign research reactor spent nuclear fuels. (JG)	H Rules R
SB 6086	Loveland, Morton, Rasmussen	<b>Disclosing agriculture business records.</b> Exempts from public disclosure the private financial and production information of agricultural producers and the financial information and trade partners of those who market agricultural products. (KH)	S Rules 3 The bill reached H Rules R before the end of the 1996 Regular Session. It is identical to HB 2133 which was enacted as C 80, L 96.
SB 6087	Rasmussen, Morton, Loveland	<b>Rule making by the Department of Agriculture.</b> Gives the Department of Agriculture specific rulemaking authority pertaining to farm storage tanks and bulk milk tankers, minor pesticide applications for crops that won't be used for food or feed, issuing permits for the movement of certain pet animals such as raccoons and coyotes, and the regulation of American ginseng exporters.	S Rules 3 The bill reached H Rules R before the end of the 1996 Regular Session. It is identical to EHB 2132 which was enacted as C 188, L 96.
SB 6088	Rasmussen, Anderson, Loveland	<b>Degrading certain dairy licenses.</b> No longer requires that a dairy or milk plant license be immediately degraded or summarily suspended following a repeat of an inspection violation under the fluid milk laws. (KH)	S Rules 3 The bill reached H Rules R before the end of the 1996 Regular Session. It is identical to HB 2134 which was enacted as C 189, L 96.

BILL NO.	PRIME SPONSORS	SUMMARY	FINAL STATUS
SB 6098	McAuliffe, Swecker	<b>Revising provisions for solid waste permits.</b> Authorizes local health jurisdictions to renew permits for solid waste handling facilities for a period of one to five years. The decision on the duration of the permit will be made by the local health jurisdiction issuing the permit. (RA)	S Rules 3 The bill reached H Rules R before the end of the 1996 Regular Session. It is similar to SHB 2135.
SSB 6334	Rasmussen, Swecker	<b>Changing water rights administration.</b> <u>Applications for Water Rights.</u> Specifies the information that must appear on an application filed after January 1, 1997, for the application to be vested with a priority date. Allows an applicant to appeal to the Pollution Control Hearings Board (PCHB) DOE's determination regarding the nature and extent of the information needed in support of an application. Lists some of the "good causes" for which the time listed on a water right permit for perfecting (implementing) the permit may be extended. <u>Appeals.</u> Makes appeals of certain water-related agency actions by DOE appealable to the PCHB or directly to the superior court in the local county. Appeals to superior court are de novo. Allows a party electing to appeal such a decision to the PCHB to elect either an informal or formal hearing. Requires the hearing to be informal if one of the parties requests it to be informal. <u>De minimis Uses.</u> Requires DOE to establish streamlined procedures for processing applications for <i>de minimis</i> uses of surface waters that have been reserved and set aside for future beneficial use. A <i>de minimis</i> use is a diversion and use of surface water in an amount not exceeding 450 gallons per day and 0.02 cubic feet per second. Requires the application for a such a use to be issued or denied within 60 days of the publication of the public notice regarding the application. Waives the evaluation and report requirements for such applications in certain instances. <u>Short-term Uses.</u> Allows DOE to authorize short-term uses of water without a publication of notice and without its investigation report if the substance of the statutory criteria for issuing a permit are met and minimally sufficient flows are retained in a stream affected by a short-term use to maintain instream uses and to protect existing water rights. A "short-term use" is one that will not exceed one year in duration and includes a use in construction, dust control, dewatering, and short-term planned fire suppression activities. (KH)	S Rules 3 The bill reached H Rules R before the end of the 1996 Regular Session.
2SSB 6336	Rasmussen, Winsley	<b>Establishing the water resources board.</b> [As Passed by the House] Transfers, effective July 1, 1997, DOE's water allocation and water quantity programs to a new Water Resources Board. The Board appoints a State Engineer to administer these programs, approves the budget, biennially reports to the Governor and the Legislature, and adopts procedures for interbasin transfers. For all other duties and functions, the Board is divided into two commissions. One is for eastern Washington and one is for western Washington. Skamania County is within the jurisdiction of the eastern Washington commission. Each commission is made up of 8 members. In general, the members are nominated by county legislative authorities and appointed by the Governor. The members of the two commissions constitute the members of the Board. Among the programs expressly transferred from DOE to the Board and the commissions are: water regulation, management, and development; permitting authority regarding appropriation and use of water; enforcement and administrative authority over the water codes and minimum flows and levels; and administration of the water well construction laws. (KH)	S Rules 3 The bill was in dispute between the House and the Senate at the end of the 1996 Regular Session. As passed by the House, it is similar to the governance portion of ESHB 1791.

**FINAL REPORT**

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<b>BILL NO.</b>	<b>PRIME SPONSORS</b>	<b>SUMMARY</b>	<b>FINAL STATUS</b>
EHB 1055	Padden, Furman, Sheldon	<b>Exempting docks of less than seven hundred square feet from the definition of substantial development under the Shorelines Management Act. (KH)</b>	H Agriculture & Ecology The bill is similar to SHB 2772 which was enacted as C 265, L 96.
ESHB 1065	Chandler, Lisk, Mastin	<b>Providing that safety and health standards for agriculture shall be those in effect on January 1, 1993. (KH)</b>	H Agriculture & Ecology The bill is similar to ESSB 5121 which was enacted as C 371, L 95.
SHB 1098	Chappell, Chandler, Mastin	<b>Providing increased penalties for false writings or statements concerning farms or agricultural commodities. (BL)</b>	H Agriculture & Ecology
SHB 1272	Chandler, Mastin, Blanton	<b>Recovering gasoline vapors. (RA)</b>	H Agriculture & Ecology The bill is similar to SHB 2376 which was enacted as C 294, L 96.
SHB 1327	Chandler, Kremen, Clements	<b>Reopening the water rights claim filing period. (KH)</b>	H Agriculture & Ecology The bill is similar to 2SHB 2198 which reached S Ecology & Parks before the end of the 1996 Regular Session.
EHB 1729	Horn, Chandler, Van Loven	<b>Establishing procedures by which owners of single-family residences may use lake water for noncommercial landscape irrigation. (RA)</b>	H Agriculture & Ecology The bill is similar to EHB 2202 which reached S Ecology & Parks before the end of the 1996 Regular Session.
HB 1747	Hatfield, Basich, Morris	<b>Modifying requirements for standards for solid waste handling. (RA)</b>	H Agriculture & Ecology
SHB 1773	Delvin, Mastin, Chandler	<b>Regulating the marketing of water. (BL)</b>	H Agriculture & Ecology The bill is similar to HB 2449.
ESHB 1775	Mulliken, Mastin, Schoesler	<b>Specifying how water rights apply to conserved water and providing an appeal process for decisions regarding conserved water. (KH)</b>	H Agriculture & Ecology Portions of the bill are similar to SHB 2201 which reached S Ecology & Parks before the end of the 1996 Regular Session.
ESHB 1791	Chandler, Mastin, McMorris	<b>Revising water resource governance and planning. (KH)</b>	H Agriculture & Ecology The governance portion of the bill is similar to 2SSB 6336 as passed by the House during the 1996 Regular Session.
ESHB 1837	Chandler, Dellwo	<b>Establishing limitations on distributions from the water quality account for the period July 1, 1995, through June 30, 2000. (RA)</b>	H Agriculture & Ecology
HB 2039	Kremen, Chandler	<b>Prescribing rights for certain applications for water rights or water transfers. (KH)</b>	H Agriculture & Ecology The bill is similar to SHB 2199 which was in dispute between the House and the Senate at the end of the 1996 Regular Session.
HB 2271	Brown, Silver, Dellwo	<b>Extending governmental authority to regulate grass seed burning.</b>	H Agriculture & Ecology

<b>BILL NO.</b>	<b>PRIME SPONSORS</b>	<b>SUMMARY</b>	<b>FINAL STATUS</b>
HB 2305	Johnson, Sheldon, Chandler	<b>Changing provisions relating to flood damage reduction. (RA)</b>	H Agriculture & Ecology Public Hearing: 1/15/96.
HB 2306	Carrell, Chandler, Koster	<b>Creating a Washington state lake health plan. (RA)</b>	H Agriculture & Ecology Public Hearing: 1/15/96. The bill is similar to ESSB 6666 which was enacted as C 316, L 96.
HB 2308	Pennington, Hatfield, Boldt	<b>Changing outdoor burning provisions.</b>	H Agriculture & Ecology
HB 2421	McMorris, Chandler, Thompson	<b>Allowing the possession, use, manufacture, sale and transportation of chlorofluorocarbons. (RA)</b>	H Agriculture & Ecology Public Hearing: 1/25/96.
HB 2470	Reams, Casada, Dyer	<b>Reestablishing the Puget Sound Water Quality Authority.</b>	H Agriculture & Ecology
HB 2503	Campbell, Smith, Scheuerman	<b>Limiting the siting of municipal solid waste landfills.</b>	H Agriculture & Ecology
HB 2517	McMorris, Clements, Chandler	<b>Regulating pesticide applicators. (KH)</b>	H Agriculture & Ecology Public Hearing: 1/25/96 (7 p.m.).
HB 2570	Pennington, Hatfield, Basich	<b>Changing nonagricultural outdoor burning provisions.</b>	H Agriculture & Ecology
HB 2688	Mastin	<b>Authorizing the adoption of certain rules for the preservation of the general welfare. (BL)</b>	H Agriculture & Ecology Public Hearing: 1/31/96.
HB 2705	Cooke, Mitchell, Robertson	<b>Integrating water resources and growth management. (BL)</b>	H Agriculture & Ecology Public Hearing: 2/2/96.
HB 2712	Goldsmith, Koster	<b>Allowing water purveyor service areas to be redefined to allow new water systems. (BL)</b>	H Agriculture & Ecology Public Hearing: 2/2/96.
HB 2756	Casada, Sheldon, Johnson	<b>Restricting county flood control regulations. (RA)</b>	H Agriculture & Ecology Public Hearing: 2/2/96.
HB 2773	Chandler, Mastin, Jacobsen	<b>Providing for marketing contracts and revising elections of directors and amendment to articles for cooperative associations. (BL)</b>	H Agriculture & Ecology Public Hearing: 2/2/96. The bill is similar to SSB 6282.
HB 2807	Chandler, Mastin, Schoelser	<b>Augmenting water supply. (JG)</b>	H Agriculture & Ecology Public Hearing: 1/29/96. Portions of the bill are similar to SSB 6197 which was enacted as C 306, L 96.
HB 2815	Chandler, Mastin, Grant	<b>Enhancing and protecting state waters for aquatic life. (KH)</b>	H Agriculture & Ecology Public Hearing: 1/31/96.
HJM 4018	Casada, Chappell, Brumsickle	<b>Requesting a variance in order to preserve man-made wetlands. (KH)</b>	H Agriculture & Ecology

<b>BILL NO.</b>	<b>PRIME SPONSORS</b>	<b>SUMMARY</b>	<b>FINAL STATUS</b>
HJM 4030	Hankins, Honeyford, Delvin	<b>Concerning federal funds for the cleanup of the Hanford waste disposal site. (RA)</b>	H Agriculture & Ecology
2SSB 5247	Spanel, Haugen, Prince	<b>Facilitating local water quality programs. (BL)</b>	S Rules 3 Public Hearing: 2/8/96.
SSB 6095	Rasmussen	<b>Establishing parameters for solid waste facility locational standards. (RA)</b>	S Rules 3 Public Hearing: 2/19/96.
SSB 6096	Rasmussen	<b>Changing financial responsibility requirements for operators of solid waste landfills. (RA)</b>	S Rules 3 Public Hearing: 2/19/96.
SSB 6097	Rasmussen	<b>Promoting beekeeping operations. (JG)</b>	S Rules 3 Public Hearing: 2/19/96.
SB 6099	McAuliffe, Swecker	<b>Augmenting water supply. (JG)</b>	S Rules 3 Public Hearing: 2/22/96. The bill is identical to HB 2136 which was enacted as C 190, L 96.
SB 6100	Haugen, Winsley	<b>Requiring biennial progress reports from the Department of Ecology. (RA)</b>	S Rules 3 Public Hearing: 2/22/96. The bill is identical to HB 2137 which was enacted as C 37, L 96.
ESSB 6166	Fraser, Swecker, Fairley	<b>Changing the name and functions of the Puget Sound Water Quality Authority.</b>	S Rules 3
ESSB 6210	Fraser, Swecker, Drew	<b>Allowing for advanced mitigation for unavoidable impacts to wetlands. (RA)</b>	S Rules 3 Public Hearing: 2/22/96.
SSB 6282	Rasmussen, A. Anderson	<b>Providing for marketing contracts and revising elections of directors and amendments to articles for cooperative associations. (BL)</b>	S Rules 3 Public Hearing: 2/14/96. The bill is similar to HB 2773.
ESSB 6445	Sutherland, Swecker	<b>Making changes to water supply regulation. (KH)</b>	S Rules 3 Public Hearing: 2/21/96.
SSB 6446	Fraser, Swecker	<b>Providing for water rights for instream purposes. (KH)</b>	S Rules 3 Public Hearing: 2/21/96.
SSB 6626	Hargrove, Winsley	<b>Raising the amount that must be exceeded by the cost of dock construction for the construction to be considered substantial development under the Shoreline management Act of 1971.</b>	S Rules 3
SB 6690	Rasmussen, Swecker, Morton	<b>Changing water permit fees. (KH)</b>	S Rules 3 Public Hearing: 2/21/96.